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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,956	01/12/2004	Keith Park	Hair Iron	8252
23616	7590	04/19/2005	EXAMINER	
LAW OFFICES OF CLEMENT CHENG 17220 NEWHOPE STREET #127 FOUNTAIN VALLEY, CA 92708			DOAN, ROBYN KIEU	
			ART UNIT	PAPER NUMBER
			3732	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/645,956	Applicant(s) PARK, KEITH	
	Examiner Robyn Doan	Art Unit 3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment A</u> .                     |

### **DETAILED ACTION**

Applicant's election with traverse of claims 8-10 in the reply filed on 03/31/05 is acknowledged. Claims 1-7 have been canceled.

#### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

#### ***Claim Objections***

Claim 8 is objected to because of the following informalities: in claim 8, line 5 "lower blade" should be changed to –lower jacket--. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogler (1694672) in view of Gress et al (4217915).

With regard to claims 8 and 10, Rogler discloses a hair iron (figs. 1, 4-5) comprising a first and second tong blades (1, 5), a pair of barrels (see attachment A), each of the barrels having a circular cross section mounted on the first tong blade and a lower jacket (see attachment A) mounted on the second tong blade shaped with a pair of channels (4a) to receive the upper barrel, wherein the upper barrel and the lower jacket meet to form a wavy interface (figs. 3, 5), an upper handle and a lower handle forming a pair of handles (see attachment A), a clip assembly (see attachment A) pivotally joining the pair of handles to the pair of tong blades, wherein the first tong blade and the pair of upper barrels being integrally formed with the lower handle and the second tong blade and the lower jacket including the pair of channels being integrally formed with the upper handle (fig. 4). Rogler does not disclose each barrel having a ceramic core enveloped in a metal jacket, and the ceramic being solid, however, Gress et al discloses a hair device (figs 1-3) comprising a barrel (2) comprising a ceramic core (15) being solid and enveloping in a metal jacket (8). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the

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ceramic core as taught by Gress et al into the barrels of Rogler for the intended use purpose.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogler in view of Gress et al as applied to claim 8 above, and further in view of Porter (3516420).

With regard to claim 9, Rogler in view of Gress et al disclose a hair iron comprising all the claimed limitations in claim 8 as discussed above except for each of the handles comprising a sleeve mounted on the handles and the sleeve axis of rotation parallels the central axis of the handles. Porter discloses a hair iron (fig. 1) comprising a pair of handles (5, 6) with a circular uniform, each of the handle having a sleeve (8) with an annular uniform cross-section and wherein the sleeve may rotate about the handles and the sleeve axis of rotation parallels the central axis of the handles. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the sleeve as taught by Porter into the hair iron of Rogler in view of Gress et al for the purpose of facilitating rotating the iron during hair curling operation.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nathe et al, Berthelsen, Smal and Simmons are cited to show the state of the art with respect to a hair iron.

The drawings filed 08/23/03 have been approved by the Examiner.

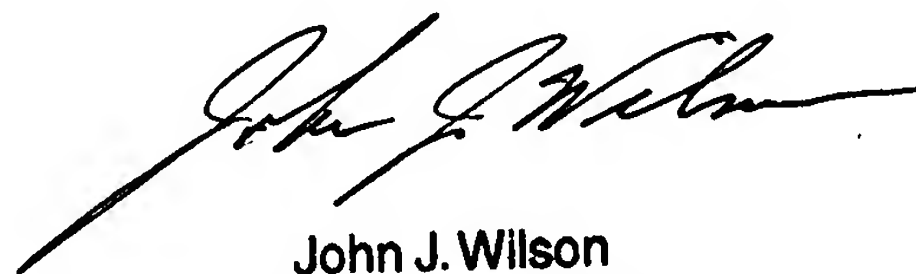
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robyn Doan  
April 11, 2005



John J. Wilson  
Primary Examiner

Dec. 11, 1928.

1,694,672

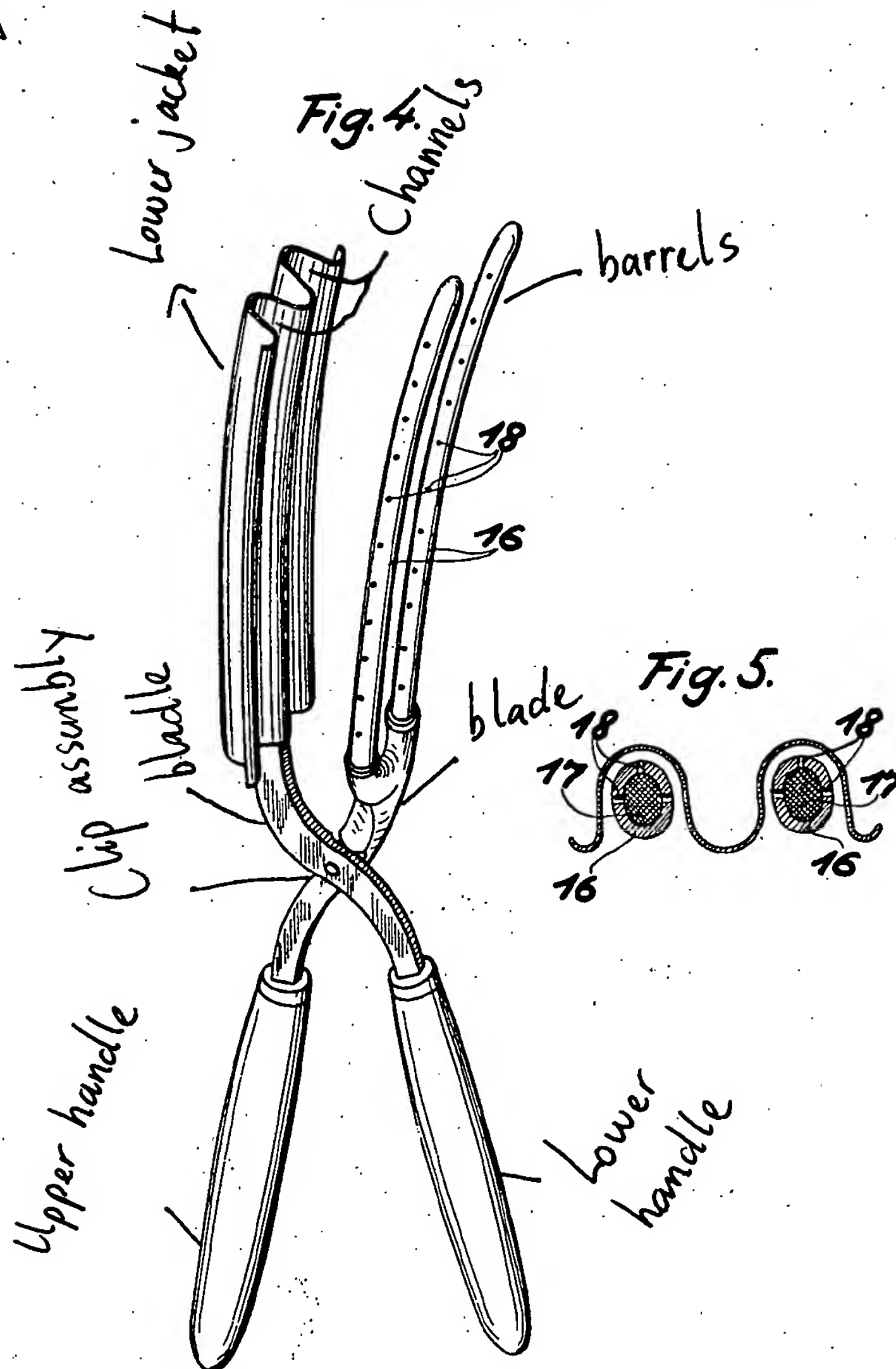
M. ROGLER

HAIR CURLING MEANS

Filed July 27, 1925

2 Sheets-Sheet 2

Attachment A



Inventor  
Max Rogler  
by *Paul S. Kline*  
attorney